

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25-06-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.11072 of 2013

And

M.P.No.2 of 2013

A.Subash Sundar .. Petitioner

Versus

1.The Commissioner,
Salem City Municipal Corporation,
Salem.

2.The Commissioner of Municipal Administration,
Chepauk,
Chennai-600 005.

3.The Secretary to Government,
Municipal Administration and Water Supply
Department,
Secretariat,
St. George Fort,
Chennai-600 009.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice issued by the first respondent in Na.Ka.No.C3/29290/2012 dated 3.4.2013 and quash the same and consequently direct the first respondent to consider the case of the petitioner for appointment as Assistant Engineer against the direct recruitment vacancy in the light of the orders issued by the third respondent in G.O.(D) No.416, MAWS Department, dated 15.9.1999 and G.O.(Ms.) No.79, MAWS Department, dated 30.4.2001.

For Petitioner : Mr.T.Ranganathan

For Respondent-1 : Ms.K.Bhuvaneshwari

For Respondents-2&3 : Ms.A.Sri Janathi,
Special Government Pleader.

ORDER

A call letter issued by the first respondent for an interview in proceeding dated 3.4.2013 is under challenge in this writ petition.

2. The grievance of the writ petitioner is that the selection for appointment to the post of Assistant Engineer has not been conducted in accordance with the rules in force. Therefore, the writ petitioner is constrained to move the present writ petition. However, the very call letter is under challenge.

3. The grievance of the writ petitioner is that the Commissioner of Salem City Municipal Corporation, had sent a proposal to relax the relevant rules. During the pendency of the proposal, the respondents are filling up the post of Assistant Engineer, without considering the case of the writ petitioner.

4. May that it be, the impugned call letter was issued to the writ petitioner to participate in the interview. Thus, a call letter can never be construed as an impugned order in view of the fact that the same will not provide a cause of action. In the absence of establishing that the call letter has been issued by an incompetent authority or if the same is in violation of the statutory rules. Therefore, if at all, the writ petitioner has aggrieved from and out of any other appointments, then he is at liberty to agitate the matter in the manner known to law. A call letter itself will not constitute a cause of action, at this stage, for the purpose of moving the writ petition.

5. In this view of the matter, the writ petitioner is at liberty to adjudicate his grievances in the manner known to law, if any final decision is taken and an order of appointment has been issued in contrary to the rules in force.

6. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/--
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

- 1.The Commissioner,
Salem City Municipal Corporation,
Salem.
- 2.The Commissioner of Municipal Administration,
Chepauk,
Chennai-600 005.
- 3.The Secretary to Government,
Municipal Administration and Water Supply
Department,
Secretariat,
St. George Fort,
Chennai-600 009.

+1cc to Government Pleader SR.No.40417

+1cc to Mr.T.Ranganathan, Advocate Sr.No.40675

SSI (CO)

sm:3.7.2018

W.P.No.11072 of 2013
2/3



WEB COPY